

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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VIRGINIA MILANES, OMAR MIGUEL FARFAN,  
MANUEL ALBERTO MARTINEZ, ANDRES  
GIOVANNY SANCHEZ, NANCY CASTRO, and  
MARGOTH PEREZ DE CHALAMPA, on behalf of  
themselves and all other similarly situated individuals,

08 Civ. 2354 (LMM)

Plaintiffs,

-against-

MICHAEL CHERTOFF, in his official capacity as  
Secretary of the Department of Homeland Security,  
EMILIO GONZALEZ, in his official capacity as  
Director of the United States Citizenship and  
Immigration Services, ANDREA QUARANTILLO,  
in her official capacity as District Director of the  
New York City District of the United States  
Citizenship and Immigration Services,  
MICHAEL B. MUKASEY, in his official capacity as  
Attorney General of the United States, and  
ROBERT S. MUELLER, III, in his official capacity as  
Director of the Federal Bureau of Investigation,

Defendants.

-----X  
DECLARATION OF VIRGINIA MILANES

I, Virginia Milanes hereby declare and say:

1. I was born in the Dominican Republic in 1954. I first married William Milanes in the Dominican Republic in February 1987. We had two children during our relationship, Ramon and Wendy who were born in the Dominican Republic. We separated and were eventually divorced on or about April 1990.

2. I came to the United States on or about in the early 1990's. William had also come to live in the United States on or about the same time. We reunited in the late 1990's and eventually remarried in March 2001. William who was a lawful permanent resident at that time was naturalized on August 10, 2001. I became a legal permanent resident on June 19, 2003. My husband and I currently reside in the Bronx, New York.

3. Our children Ramon and Wendy and their children also now reside in the U.S. Our son Ramon Milanés who was also naturalized has a daughter who was born in the U.S., and resides with his family in the Bronx. He works as a building superintendent. Our daughter Wendy, who is a legal permanent resident, resides with her four children, two of whom were born in the U.S., in Florida.

4. I filed my N-400 naturalization application on or about August 16, 2006, three years after becoming a legal permanent resident in satisfaction of the statutory and regulatory requirements.

5. I received an August 24, 2006 notice from USCIS scheduling a biometrics appointment on September 5, 2006 at which time my fingerprints were taken at USCIS Bronx office for FBI clearance. See, Milanés Exhibit "1".

6. Despite my application for naturalization having been filed over eighteen (18) months ago, I have still not received any notification from USCIS of my naturalization examination and interview.

7. I have made numerous attempts to expedite the status of my application. I contacted the office of U.S. Congressman Jose Serrano on several occasions concerning the status of my application. Congressman Serrano's office has contacted USCIS' Congressional Unit several times to ascertain the status my application, and were informed on each occasion that the case remains pending clearance of my name and date of birth.

8. Congressman Serrano's office also sent an email inquiry to USCIS' Congressional Unit in Vermont in August 2007 and received an email response from Angie Johnson of the Vermont Service Center Congressional Unit dated August 10, 2007 stating that: "A hearing can not be scheduled until all of the security checks are cleared. [Virginia] is currently pending name and date of birth checks. The processing of your case has been delayed. A check of your records establishes that your case is not yet ready for decision as the required security checks remain pending. Until the security checks have been completed, we can not move forward on your case. ... We will make every effort to make a decision on this case as soon as the security checks are complete. If you do not receive a decision or other notice of action from us within 6 months of this letter, please contact us ..." See, Milanes Ex. "2".

9. Congressman Serrano's office made another email inquiry in the Fall of 2007, and received a similar email response in November 2007. See, Milanes Ex. "3".

10. In February 2008, Congressman Serrano's office again contacted USCIS' Congressional Unit via telephone and were told that the security checks have not been completed.

11. More than 6 months have elapsed since the Congressman's August 2007 inquiry on the status of my August 2006 application, and I have still not received any notification from USCIS of my naturalization examination and interview.

12. I would very much like to vote during the 2008 presidential election, but am not eligible to register to vote until I am naturalized. Having applied over 18 months ago, I thought that I would have already become a U.S. citizen and able to vote this fall.

13. I suffer greatly from the defendants' delay in the processing of my application for naturalization. My husband William, our son Ramon, and several of my grandchildren are all citizens of the United States. I very much want to be a citizen of the same country as my family.

14. Moreover, I have been reluctant to travel abroad until I become a U.S. citizen. I am fearful of receiving an appointment for my interview if I were away. For that reason, I did not return to the Dominican Republic for the funerals of several close family members, including my older sister who passed away on or about December 27, 2006, and a nephew, and two brothers-in-law. I would have liked to have visited with my family during those sad times.

The foregoing has been read to me in my native language, Spanish, and, pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

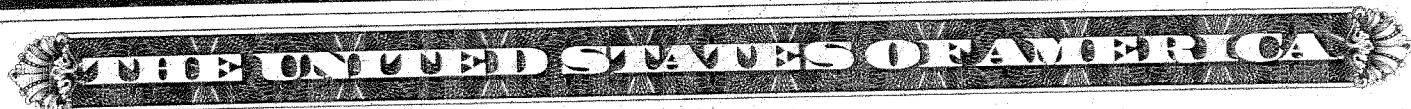
Executed this 21 day of March 2008.


Virginia Milanes  
VIRGINIA MILANES

# Milanes Exhibit

1

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Fingerprint Notification		NOTICE DATE August 24, 2006	
CASE TYPE N400 Application For Naturalization		USCIS A# A 079 721 201	
APPLICATION NUMBER ESC*001693878	RECEIVED DATE August 16, 2006	PRIORITY DATE August 16, 2006	PAGE 1 of 1
APPLICANT NAME AND MAILING ADDRESS VIRGINIA MILANES 1550 SELWYN AVENUE # 1 BRONX NY 10457		<b>BIOMETRICS PROCESSING STAMP</b> USC SITE CODE: <u>BXNY</u> BIOMETRICS QA REVIEW BY: <u>[Signature]</u> ON <u>9/5/06</u> FINGERPRINTS QA REVIEW BY: <u>[Signature]</u> ON <u>[Signature]</u>	
			
<p>To process your application, USCIS must take your fingerprints and have them cleared by the FBI. PLEASE APPEAR AT THE BELOW APPLICATION SUPPORT CENTER AT THE DATE AND TIME SPECIFIED. If you are unable to do so, complete the bottom of this notice and return the entire original notice to the address below. RESCHEDULING YOUR APPOINTMENT WILL DELAY YOUR APPLICATION. IF YOU FAIL TO APPEAR AS SCHEDULED BELOW OR FAIL TO REQUEST RESCHEDULING, YOUR APPLICATION WILL BE CONSIDERED ABANDONED.</p>			
APPLICATION SUPPORT CENTER CIS BRONX 2378 GRAND CONCOURSE BRONX NY 10458		DATE AND TIME OF APPOINTMENT 09/05/2006 12:00 PM	
<p>WHEN YOU GO TO THE APPLICATION SUPPORT CENTER TO HAVE YOUR FINGERPRINTS TAKEN, YOU MUST BRING:</p> <ol style="list-style-type: none"> <li>1. THIS APPOINTMENT NOTICE and</li> <li>2. PHOTO IDENTIFICATION. Naturalization applicants must bring their Alien Registration Card. All other applicants must bring a passport, driver's license, national ID, military ID, or State-issued photo ID. If you appear without proper identification, you will not be fingerprinted.</li> </ol>			
PLEASE DISREGARD THIS NOTICE IF YOUR APPLICATION HAS ALREADY BEEN GRANTED.			
<p align="center"><b>REQUEST FOR RESCHEDULING</b></p> <p>Please reschedule my appointment for the next available: <input type="checkbox"/> Wednesday afternoon <input type="checkbox"/> Saturday afternoon</p> <p>USCIS cannot guarantee the day preferred, but will do so to the extent possible.</p> <p>Upon receipt of your request, you will be provided a new appointment notice. Please mail your request to:</p> <p>CIS BRONX 2378 GRAND CONCOURSE BRONX NY 10458</p>			
If you have any questions regarding this notice, please call 1-800-375-5283. APPLICATION NUMBER ESC*001693878		APPLICANT COPY 	
<p align="center"><b>WARNING!</b></p> <p>Due to limited seating availability in our lobby areas, only persons who are necessary to assist with transportation or completing the fingerprint worksheet should accompany you.</p>			

# Milanes Exhibit

2



WASHINGTON OFFICE:

2227 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-3216  
(202) 225-4361  
FAX: (202) 225-6001

BRONX OFFICE:

788 SOUTHERN BOULEVARD  
BRONX, NY 10455  
(718) 620-0084  
FAX: (718) 620-0658

<http://serrano.house.gov>

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-3216**

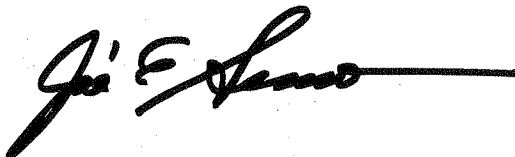
August 10, 2007

Ms. Virginia Milanes  
1550 Selwyn Avenue  
PH  
Bronx, New York 10457-8703

Dear Ms. Milanes:

I have received the attached response from the US Citizenship and Immigration Services which I forward for your information. I hope it adequately responds to your inquiry.

Sincerely,



José E. Serrano  
Member of Congress

JES:kdd

Davila, Kitty

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**From:** Congressional, VSC [VSC.Congressional@dhs.gov]  
**Sent:** Friday, August 10, 2007 12:51 PM  
**To:** Davila, Kitty  
**Subject:** RE: A# 79721201

Kitty,

A hearing can not be scheduled until all of the security checks are cleared. Virginia is currently pending name and date of birth checks.

The processing of your case has been delayed. A check of our records establishes that your case is not yet ready for decision, as the required security checks remain pending.

Until the security checks have been completed, we cannot move forward on your case. These security checks are required to be completed on all applicants who apply for the immigration benefit you are seeking. We will make every effort to make a decision on this case as soon as the security checks are complete. If you do not receive a decision or other notice of action from us within 6 months of this letter, please contact us by calling our customer service number provided below.

Angie Johnson  
Vermont Service Center  
Congressional Unit  
Phone: 802-527-4972  
Fax: 802-527-4851

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**From:** Davila, Kitty [mailto:Kitty.Davila@mail.house.gov]  
**Sent:** Thursday, August 09, 2007 10:03 AM  
**To:** Congressional, VSC  
**Subject:** A# 79721201

Ms. Virginia Milanes, A# 79 721 201 visited the office seeking a status on the N-400 application. She filed the N-400 application in August 2006. She was scheduled for fingerprints in September 2006. She is interested in knowing the length of time before she is scheduled for the preliminary hearing. After calling the Congressional Unit, I was informed that the case remains pending clearance of Ms. Milanes' name and date of birth.

*Intake Director/Housing Specialist*

*Congressman Jose E. Serrano*

*Sixteen District New York*

*788 Southern Boulevard*

*Bronx, New York 10455*

*718-620-0084*

*718-620-0658 (fax)*

8/10/2007

# Milanes Exhibit

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JOSÉ E. SERRANO  
16TH DISTRICT, NEW YORK

WASHINGTON OFFICE:  
2227 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-3216  
(202) 225-4361  
FAX: (202) 225-8001

BRONX OFFICE:  
788 SOUTHERN BOULEVARD  
BRONX, NY 10455  
(718) 620-0064  
FAX: (718) 620-0658

<http://serrano.house.gov>

**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515-3216

December 7, 2007

COMMITTEE:  
APPROPRIATIONS

SUBCOMMITTEES:  
CHAIRMAN, FINANCIAL SERVICES AND  
GENERAL GOVERNMENT  
VICE CHAIR, HOMELAND SECURITY  
MEMBER, ENERGY AND WATER

MEMBER, CONGRESSIONAL  
HISPANIC CAUCUS

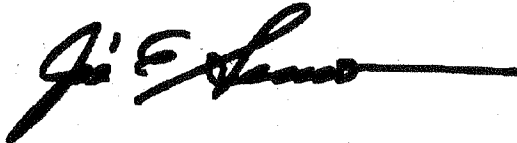
SENIOR WHIP

Ms. Virginia Milanes  
1550 Selwyn Avenue  
PH  
Bronx, New York 10457-8703

Dear Ms. Milanes:

I have received the attached response from the US Citizenship and Immigration Services which I forward for your information. I hope it adequately responds to your inquiry.

Sincerely,



José E. Serrano  
Member of Congress

JES:kdd

TO JOSE PEREZ

212-4314276

**Davila, Kitty**

**From:** Congressional, VSC [vsc.congressional@dhs.gov]  
**Sent:** Wednesday, November 28, 2007 3:16 PM  
**To:** Davila, Kitty  
**Subject:** RE: Status

The case is pending at this time, going through the name/ date of birth security clearance process--recheck in approximately 90 days.

Tina Nichols  
Congressional Unit  
Vermont Service Center  
PHONE: 802-527-4972  
FAX: 802-527-4851

-----Original Message-----

**From:** Davila, Kitty [mailto:Kitty.Davila@mail.house.gov]  
**Sent:** Tuesday, November 27, 2007 4:03 PM  
**To:** ~~Congressional, VSC~~  
**Subject:** Status

Ms. Virginia Milanes, A# 79 721 201 visited the office seeking a status on the N-400 application. She filed the N-400 application in August 2006. She was scheduled for fingerprints in September 2006. She is interested in knowing the length of time before she is scheduled for the preliminary hearing. After calling the Congressional Unit, I was informed that the case remains pending clearance of Ms. Milanes' name and date of birth.

Intake Director/Housing Specialist  
Congressman Jose E. Serrano  
Sixteen District New York  
788 Southern Boulevard  
Bronx, New York 10455  
718-620-0084  
718-620-0658 (fax)